IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No.1618-M of 2007

DATE OF DECISION: FEBRUARY 1, 2007

Vijay Kumar and others

...PETITIONERS

VERSUS

Joginder Kaur

...RESPONDENT

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr.Gourave Bhayyia , Advocate,
for the petitioners.
Mr.A.K.Sama, Advocate,
for the respondent.

...

The petitioners have filed this petition under Section 438 read with Section 482 Cr.P.C. for issuance of anticipatory bail as well as appropriate directions in complaint case titled as "Joginder Kaur Versus Lachhman Ram and others" pending before the Court of SDJM, Fazilka.

While issuing notice of motion on January 16, 2007, arrest of the petitioners was stayed subject to the condition that they will appear before the trial and furnish their regular bail bonds to its satisfaction.

I have heard the counsel for the parties.

Counsel for the petitioners contends that the aforesaid complaint has been filed against the petitioners by complainant Joginder Kaur totally on false and concocted facts. Counsel further contends that between the husband of the complainant and the petitioners, civil litigation with regard to possession of a portion of the house, is pending and to take advantage in the said suit, the complainant has lodged the aforesaid false complaint against the petitioners. Counsel contends that before filing the said complaint, the complainant had earlier filed a complaint before the Human Rights Commission, which was enquired into by the Additional Director General of Police and the similar allegations levelled against the petitioners were found to be false.

Counsel for the petitioners contends that in terms of the interim order dated January 16, 2007, the petitioners had appeared before the trial court and furnished their regular bail bonds which have been accepted and attested and since then they are regularly appearing. These facts have not been disputed by the counsel for the respondent.

In view of the above, the interim order dated January 16, 2007 is made absolute.

Disposed of accordingly.

February 1, 2007 (SATISH KUMAR MITTAL)
vkg JUDGE